IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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C.W.P. No.975 of 2007
Date of Decision:05.10.2007

Mohinder Kaur

.....Petitioner

Vs.

The State of Punjab and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BINDAL

Present:- Mr. Surinder Gandhi, Advocate for the petitioner.

Mr. Praveen Chander Goyal, Sr. DAG, Punjab for the respondents.

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Rajesh Bindal, J.

It is not disputed by learned counsel for the parties that the issue regarding recovery of the excess payment of dearness allowance on family pension has been considered by this Court in C.W.P. N.891 of 2003 (**Mukhtiar Singh and others v. State of Punjab and Others),** wherein vide order dated 20.1.2004 it was directed that no recovery of the amount already paid to the petitioner shall be made as the same was not on account of any misrepresentation of fraud by them. It was further directed that if any recovery has been made from the petitioners in interregnum, the same shall also be refunded to them within a period of four months. It is further pointed out that the aforesaid judgment in **Mukhtiar Singh's case (supra)** was relied upon while deciding another C.W.P. No.7693 of 2007 (**Daljit Kaur v. State of Punjab and others)** on 28.5.2007 by recording the statement of counsel representing the State to the effect that the order passed by this Court in **Mukhtiar Singh's case (supra)** had attained finality.

Facts in the present case are also identical to the facts considered by this Court in **Mukhtiar Singh's case (supra)** as in this case as well the question is about payment of DA on family pension. Accordingly, for the detailed reasons stated in the order passed by this Court

in **Mukhtiar Singh's case (supra),** Annexures P.2 and P.3 dated 1.12.2001 and 9.5.2002, directing the petitioner to pay a sum of Rs.74,350/- on account of alleged excess payment of dearness allowance from 14.5.2001 to January, 2006, is quashed. It is further directed that the amount already recovered from the petitioner in interregnum shall be refunded to her within a period of four months from the date of receipt of copy of this order.

The writ petition is disposed of in the manner indicated above.

October 05, 2007 **(RAJESH BINDAL)**
renu **JUDGE**